IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 972 of 2001
(Old No. 1553 of 1992

Ramesh Chandra Joshi,
S/o Sri Vishnu Datt Joshi,
R/o Village Godalikhet,
Patti Valla Kamsthyar, Distt. Almora.

……. Plaintiff/Appellant

Versus

Smt. Savitri Joshi
W/o Ramesh Chandra Joshi,
R/o Village Dungri, P.O. Khwankot,
Tehsil Didihat, Distt. Pithoragarh.

……. Defendant / Respondent

Mr. Nandan Arya, Advocate for the appellant.
Mr. B.S. Adhikari, Advocate for the respondent.

Hon'ble Prafulla C. Pant, J.

Parties are present in person before this Court along with their counsel.

2) Both the parties have filed a joint affidavit before this Court, which is taken on record today itself, in which it has been stated that the husband Ramesh Chandra Joshi, would make payment of half of the pension received, to his wife Smt. Savitri Joshi, which shall be paid to her from the concerned Treasury. A request has been made in the last paragraph of the affidavit that the parties agreed on the terms mentioned above for disposing of this appeal finally.

3) In the affidavit, it is nowhere stated whether the appeal is to be allowed or to be dismissed. As such, this Court

enquired from the learned counsel for the parties, what they meant by expression “disposing this appeal finally mentioned in the affidavit”. Mr. Nandan Arya, learned counsel for the appellant and Mr. B.S. Adhikari, learned counsel for the respondent stated before this Court that the appeal be dismissed and the amount agreed to be paid will be paid through Treasury as mentioned to the wife by the husband.

4) Accordingly, this appeal is dismissed in terms of the compromise between the parties, as mentioned above. The divorce petition of the appellant filed against the wife shall stand dismissed as directed by the lower appellate court. Fifty percent of the pension of the appellant Ramesh Chandra Joshi, as mentioned above, shall be paid as maintenance to the respondent Savitri Joshi through the concerned Treasury from where the pension of the appellant is drawn.

(Prafulla C. Pant, J.)

Dt. February 21, 2006.
H.Negi